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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/666,630 | 09/20/2000 | Kaushal Kurapati | US000240 | 5682 |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

SLOAN, NATHAN A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2614

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,630

Applicant(s)

KURAPATI, KAUSHAL

Examiner

Nathan A Sloan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 9-12, 14-19, 24-27, and 29-32 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Labeeb et al. (2003/0093792).

Labeeb teaches a system and method for monitoring viewing history to determine programs to recommend to viewers.

With respect to claims 1, 3, 16, 18, and 31, the claimed apparatus, method, and article of manufacture “for identifying changes in television viewing preferences of an individual” are met Labeeb with reference to Figure 1 and corresponding methods described in detail below. Labeeb teaches computer executable instructions configured in memory to be executed by a processor for “obtaining a viewer history indicating a set of programs that have been watched by a user” as seen with reference to Figure 15 and paragraph 105 in building a User Selection History 189. A plurality of user choices 187 with respective records combine to form a User Selection History 189. The overall selection history is established into “at least two portions,” a user selection

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history 189 and a past selection history 216 as seen with reference to Figure 18A. These two selection histories are “profiles” in that they contain viewer record selections for the corresponding history period. The “profiles” are then updated at step 215 of Figure 18A using weighted averages of current and past liking values, claimed “corresponding set of program recommendation scores.” These averages are compared (see paragraphs 110-112) to “identify a change in said viewer preferences” and maintain an accurate viewing preference record. Additionally, Labeeb teaches that the liking values may be dynamically changed in order to increase or decrease the learning rate.

With respect to claims 11, 26, and 32, similar limitations are recited as in claims 1, 16, and 31 with the additional limitation of deleting “a portion of said viewing history if said sets of program recommendation scores ... are substantially similar.” This limitation is met by comparing current and past selection histories and updating the records by maintaining a list of the most relevant past selections. If the lists are substantially similar then only the least relevant record is deleted to create room for a new record as taught in paragraphs 109-111.

With respect to claims 2, 12, 17, and 27, the claimed comparing “the top-N (where N is a positive integer) recommended television programs in each set” is met as seen at step 219 of Figure 18B.

With respect to claims 4 and 19, the claimed “presenting a user with a set of recommended programs based on one or both of said sets of programs” is met using the methods above and displaying a list of recommended programs as taught in paragraphs 1786-1792.

With respect to claims 9-10, 14-15, 24-25, and 29-30, the claimed selection of the two histories from “a time span that is less than the entire time period covered by the viewing

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history” is met by selecting from a user selection history of the past few hours (paragraph 106) and a past selection history of prior time periods. The selected time span is a “similar” time period to a given time period in that they are both time periods with a duration.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-8, 13, 20-23, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Labeeb (2003/0093792).

5. With respect to claims 5 and 20, the claimed “presenting a user with a union set of recommended programs based said sets of programs” is not taught by Labeeb. Examiner takes Official Notice that the creation of a union of sets of data is notoriously well known in the art. It would have been obvious for one skilled in the art at the time of the invention to modify the system and methods of Labeeb by presenting users with a union of the two history sets in order to provide users with a list of elements that are in either the first or second set.

6. With respect to claims 6 and 21, the claimed “presenting a user with an intersection set of recommended programs based said sets of programs” is not taught by Labeeb. Examiner takes Official Notice that the creation of an intersection of sets of data is notoriously well known in the

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art. It would have been obvious for one skilled in the art at the time of the invention to modify the system and methods of Labeeb by presenting users with a union of the two history sets in order to provide users with a list of elements that are in both the first and second sets.

With respect to claims 7 and 22, as previously noted, Labeeb teaches creation of a more recent sub-set of viewing history items and display of recommend programs. However, Labeeb does not explicitly teach “displaying recommended programs based on a more recent sub-set of said viewing history.” Nevertheless, it would have been obvious for one skilled in the art to display the recent sub-set created by Labeeb in order to provide a user with most recent records which have high relevance as taught in paragraph 109.

With respect to claims 8, 13, 23, and 28, Labeeb does not teach “uniformly randomly sampling sub-sets of television programs from said viewing history” to form the viewing history. Examiner takes Official Notice that uniform random sampling is notoriously well known in the art. It would have been obvious for one skilled in the art at the time of the invention to modify the system of Labeeb by using uniform random sampling in order to ensure that all elements of the television program set have an equal probability of being selected.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. While only necessary portions of the relied upon art were pointed out to applicant in

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response to claims, examiner recommends a complete review of both the relied upon and pertinent art prior to drafting amendments.

Bedard (5,801,747) teaches a system and method for creating a television viewer profile using weighted updating techniques.

Hendricks et al. (5,798,785) teaches a terminal for suggesting programs offered in a television program delivery system using weighted attributes. See entire document, particularly columns 29+.


Barrett et al. (6,005,597) teaches a system and method for program selection using a dynamic viewer profile that is used to rate available programs.

Ha et al. (6,490,724) teaches a method of analyzing a user's viewing habit including extensive time considerations.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan A Sloan whose telephone number is (703)305-8143. The examiner can normally be reached on Mon-Fri 7:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703)305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-9409 for regular communications and (703)746-9409 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.


JOHN MILLER
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